

R E M A R K S

- Upon entry of this amendment, which is respectfully requested for the reasons set forth below, Claims 1 – 28, 30 – 53, 59 – 64 and 81 – 87 will be pending.
- Each of the claims that will remain pending stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.
- Of the pending claims, only claims 1, 30, 47, 49, 51 – 53, 59, 63, 64, 81, 85 and 86 are independent.
- Each of the independent claims has been amended herein.

This submission is being filed, along with an RCE, after Appeal to the Board of Patent Appeals and Interferences but prior to a decision on the Appeal. More particularly, this submission is being filed after an Examiner's Answer in response to the Appeal Brief was mailed. In the Final Office Action mailed October 20, 2003, all of the pending claims stood rejected under 35 U.S.C. § 103(a) and 35 U.S.C. § 101. In the Examiner's Answer, the Examiner withdrew the Section 103(a) rejections. Examiner's Answer, page 3, subsection 10. Accordingly, all of the pending claims currently stand rejected only under § 101.

In the present amendment, Applicants have amended each of the pending independent claims in a manner believed to be sufficient to overcome the § 101 rejection. Specifically, each of the pending independent claims has been amended to recite that at least one step is performed "by a computing device" or "via a computing device", thus reciting "interaction of a physical structure" (Examiner's Answer, page 3).

C O N C L U S I O N

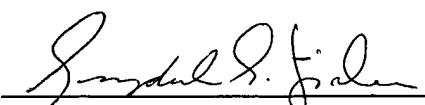
For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461-7041 or via electronic mail at mfincham@walkerdigital.com.

Applicants do not believe any fee (e.g., for an extension of time) for this submission is required at this time. However, if a fee should be necessary for the present Application at this time (or any time during the prosecution of the present Application), please charge any such required fee to our Deposit Account No. 50-0271. Please credit any overpayment to Deposit Account No. 50-0271. Further, please grant any petition for an extension of time that may be necessary to make this submission timely.

Respectfully submitted,

December 05, 2004
Date



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